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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number

First Named Inventor

Anthony Nicholas

**COMPLETE IF KNOWN**

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

The Sprouting Umbrella

(Title of the Invention)

the specification of which

 is attached hereto

OR

 was filed on (MM/DD/YYYY) \_\_\_\_\_ as United States Application Number or PCT International

Application Number \_\_\_\_\_ and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	Certified Copy Attached? No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 37 CFR 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:  Customer Number \_\_\_\_\_ OR  Correspondence address below

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

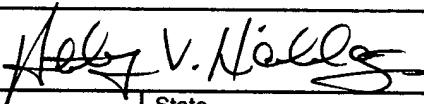
**NAME OF SOLE OR FIRST INVENTOR:**

A petition has been filed for this unsigned inventor

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(first and middle [if any])  
Anthony Valentine

Family Name  
or Surname  
Nicholas

Inventor's  
Signature



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**NAME OF SECOND INVENTOR:**

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Additional inventors or a legal representative are being named on the \_\_\_\_\_ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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## Disclosure Document Deposit Request

Mail to:

Box DD  
Assistant Commissioner for Patents  
Washington, DC 20231

Inventor(s): Anthony V. Nicholas and Candace M. Nicholas

Title of Invention: The Sprouting Umbrella

Enclosed is a disclosure of the above-titled invention consisting of 6 sheets of description and 4 sheets of drawings. A check or money order in the amount of \$ 375.00 is enclosed to cover the fee (37 CFR 1.21(c)).

The undersigned, being a named inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years.

Anthony V. Nicholas

Signature of Inventor

Anthony V. Nicholas

Typed or printed name

8/21/03

Date

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City, State, Zip

### NOTICE OF INVENTORS

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and a patent application should be diligently filed if patent protection is desired.

Your Disclosure Document will be retained for two years after the date it was received by the United States Patent and Trademark Office (USPTO) and will be destroyed thereafter unless it is referred to in a related patent application filed within the two-year period. The Disclosure Document may be referred to by way of a letter of transmittal in a new patent application or by a separate letter filed in a pending application. Unless it is desired to have the USPTO retain the Disclosure Document beyond the two-year period, it is not required that it be referred to in the patent application.

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file his/her patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application since the filing of the Disclosure Document.

If you are not familiar with what is considered to be "diligence in completing the invention" or "reduction to practice" under the patent law or if you have other questions about patent matters, you are advised to consult with an attorney or agent registered to practice before the USPTO. The publication, *Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office*, is available from the Superintendent of Documents, Washington, DC 20402. Patent attorneys and agents are also listed in the telephone directory of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons and/or notarized are other examples of evidence which may also be used to establish priority.

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